

Jebat: Malaysian Journal of History, Politics & Strategy, Vol. 39 (2) (December 2012): 142-169  
@ School of History, Politics & Strategy, UKM; ISSN 2180-0251 (electronic), 0126-5644 (paper)

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## **ENCOURAGING, RESTRICTING, OR PREVENTING: ALTERNATIVE MODELS OF IMMIGRATION POLICY MAKING IN TAIWAN**

*Globalization has not only accelerated international migration, but has also been a dynamic force for change in national political economies. Rapid economic growth in East Asia has led to great demand for immigrant labor for example, yet many states in East Asia have adopted strict controls on international labor migration. Due to international needs and domestic conditions however, these states cannot avoid an influx of migration. Taiwan is one of Asia's four 'little dragons', but it faces developmental limitations due to its small land mass. In recent years, faced with a rapidly changing social structure and the urgent need for economic transformation, many more migrants are arriving from Southeast Asia and Mainland China. What are the main factors behind this? This article will focus on the functional imperatives of the Taiwanese state in respect to migration, and will explore the crucial pull factors involved in migration to Taiwan, from demographics, economic needs and national efficiency, to civil society. Furthermore, it will develop a dynamic model that can help explain and predict the shape of immigration policy in terms of encouragement, restriction, or the prevention of new settlers.*

**Keywords:** *Globalization, international immigration, migration policy, economic development, population growth, Taiwan*

### **Introduction**

Economic globalization has not only accelerated free movement of money, goods and information, but also has facilitated the flow of population. Increasingly, free movement of capital, combined with cheaper communication and transport, have increased the demand for migration. And since the late 1990s, high-skilled migration has been increasingly considered as a potential instrument for contributing to economic competitiveness in a knowledge-based economy, and addressing the negative impact of aging populations on economic growth and welfare provisions. Due to the transformation of social structure, there is also more cross-nation migration in some countries.

As part of the world-system, Taiwan inevitably faces the rapid change in social development, including population structure, class formation, social relationships and cultural change. According to the Ministry of the Interior, the number of foreign spouses in Taiwan exceeded 440,000 in 2010<sup>1</sup>, at the same time, there are also more than 380,000 foreign workers in Taiwan,<sup>2</sup> Since the fertility rate of foreign spouses almost exceeded 10% in every year, it has become the main source of population growth in Taiwan.<sup>3</sup> Foreign spouses have become the fifth largest ethnic group of Taiwan and they are gradually shaping the community. For example, there are some TV programs specially targeted at them.

Cross-nation immigration has made positive impacts on economic development, social change and multiculturalism. But it has also resulted in growing concerns over basic human rights, national security, deprivation, government policy and cultural ideology. Before 1994, the country's immigration policy was not unified, and so leading to many problems about illegal stays, population vending, "false marriage, real prostitution", adaptation of life, arranging for refugees, reception and repatriation, information operating etc ..

Recently, the treatment of foreign spouses has drawn the attention of the media and citizens have begun to show concern regarding the above issue. In order to address such problems, the government has established the National Immigration Agency (NIA), aimed at unified authority and effective control. NIA is expected to avert criticism, and achieve the goals of ensuring clear norms about stay, immigrating, settling down, and citizenship for immigrants.

There are many arguments about Taiwan's immigration policy. Thus, it is very important to establish consensus and effective immigration policy making. The choices in term of policymaking have important implications for how the costs and benefits of migration are distributed among different groups of migrants, native-born workers, employers, consumers, and taxpayers. With increasing population movement into and out of almost every state within the global political economy, developing better models that seek to explain the outcomes of immigration policy choices is crucial as it helps us to realize the complete picture of cross-nation migration. Thus, this paper will develop dynamic models of a state's immigration policy making that can help explain and predict the outcome in terms of encouragement, restriction, or prevention. Furthermore, it will focus on the crucial variables of migratory inflows from demographic structure, economic need, the efficiency of nation, and civil society.

## **Globalization and International Migration**

Globalization has created pressures and mechanisms, which facilitate migration. The growth in inequality is a powerful incentive to cross-border mobility.

The new media associated with globalization provides images of first-world prosperity to potential migrants. Electronic communication facilitates the dissemination of knowledge of migration routes and employment opportunities. Thus globalization creates the cultural capital needed for mobility—again providing an important theme for the sociology of migration. Many of the world's excluded perceive that mobility brings the chance of prosperity, and are desperate to migrate. This helps explain the upsurge in asylum-seekers and undocumented migrants since about 1990. Such is the underlying reality behind the recent observation of the Global Commission on International Migration that international migration is driven by “development, demography and democracy” (Castles 2007:360). At the same time, the flow of international migration is also the main motion of globalization that strengthens the links between cross-national societies and politics. International migration involves a wider diversity of ethnic and cultural groups than ever before and has a great impact on the multicultural world.

Migration is not a new phenomenon. It is, however, more than ever before, a global phenomenon that is closely related to a number of other globalization processes in both its causes and effects (Held et al 1999:3-16). David Henderson, former chief economist of the Organization for Economic Cooperation and Development (OECD), defines globalization as: free movement of goods, services, labor and capital, thereby creating a single market in inputs and outputs; and full national treatment of foreign investors (and nationals working abroad) so that, economically speaking, there are no foreigners (Henderson 1999). It's useful to define globalization as “liberal globalization”, which shows what we are talking about is movement in the direction of greater integration, as both natural and man-made barriers to international economic exchange continue to fall. A necessary consequence of such a process of integration is the increased impact of economic changes in one part of the world on what happens in the others (Wolf 2007:15). Some scholars have perceived globalization as internationalization, liberalization, universalization, westernization and deterritorialization, and also as the growth of supraterritorial relations between people (Scholte 2005). The globalization of trade, finance, and production, and the general trend toward greater global economic integration—all contribute to the emergence of new and more mobile pools of labor, while creating stronger ties and networks among advanced industrial and developing economies that provide new avenues and opportunities for migration (Sassen 1988). Thus, the economic system of globalization has not only accelerated the flows of international population, but also has changed the national organizations and social structures.

According to the 2009 Survey of the United Nations, most of the world's 200 million international migrants moved from one developing country to another, or between developed countries. Only 37 percent of migration is from developing to developed countries. Most migration occurs

within countries in the same category of development: about 60 percent of migrants move either between developing or between developed countries (the remaining three percent move from developed to developing countries) (Klugman 2009:30). And only about three percent of the world's population are migrants, but in industrial countries, migrants and minorities make up 10 per cent or more of the population, and are often 25 per cent or more of the inhabitants of fast-growing global cities. Here migrants are no longer marginal, but rather a major population group and a powerful catalyst for social and cultural change. Policy-makers at the local and national levels have had to find strategies to respond to these changes, and the result has been a large volume of research commissioned to answer administrative questions and to provide policy options (Klugman 2009:362).

In sum, the period since 1960 has been marked by a growing concentration of migrants in developed countries against a background of aggregate stability in overall migration. How do we explain these patterns? The research of the United Nations shows that three key factors, trends in income, population and transport costs tended to increase movement, which simultaneously faced an increasingly significant constraint: growing legal and administrative barriers (Klugman 2009:32). Divergence in incomes across regions, combined with a general increase in incomes around most of the world, is a major part of the explanation of movement patterns.

Like other forms of social transformation, migratory processes are linked in complex ways to globalizing forces and transnational processes. However, it would be equally wrong to concentrate exclusively on the transnational level. The flows and networks that constitute globalization take on specific forms at different spatial levels: the regional, the national and the local (Klugman 2009:361). Therefore, the study of migration should be considered at all levels.

### **Ideologies of migration: the approaches of international political economy**

The international mobilization of workers and their differentiation to match them to various types of jobs are crucial aspects of the global economic order. The neoliberal dream is dualistic: a cosmopolitan, mobile world for elites; a world of barriers, exploitation, and security controls for the rest. As a result, a new global class structure has developed, with privileges for some, but marginalization and exploitation for others (Castles 2011:311-324). From the views of realism, the state was greatest with regard to flows of people, where control of cross-border movements was seen as a crucial aspect of nation-state sovereignty. Yet, from the views of structuralism, the asymmetric and unequal pattern of economic relations between the core and periphery accelerated population mobilization. Thus, each different perspective has its impact on immigration policy.

According to the migration views of liberalism, the flow across borders of commodities, capital, technology, and labor were meant to secure optimal allocation of resources, to ensure that production factors could be obtained at the lowest possible cost, and to promote increased productivity everywhere. Economists argue that the removal of restrictions on human mobility would lead to large increases in global income (Bhagwati 2003:98-104). This approach uses an analysis that looks at population mobility from a poor to a rich country as something of mutual benefit. Western democracies ordinarily treat the freedom to leave as a fundamental right of citizenship, although in practice such rights can be circumscribed by currency regulations (Weiner 1995). This viewpoint tends to be consistent with the doctrine of globalization. Advocates of globalization seek to legitimate economic deregulation, privatization and population mobility by arguing that these will lead to overall faster economic growth in the world.

The migration views of realism put emphasis on the power relations between countries, and the state is regarded as a rational actor. This approach focuses on national policies concerning international migration that are created because of the concern of its impact on internal political stability and international security. It pays attention to the behavior of a country and the importance of its national borders. We may see the same population mobility as a political consequence caused by changes in ethnic composition in the receiving country resulting in friction between the two countries as a consequence of the conflict between migrants and the local communities. Immigration and growing cultural diversity poses a dual challenge to nation-states. Admitting immigrants into the national community through citizenship appears as a threat to national cohesion and identity (Weiner 1995:311-324). In an anarchic system, the state must follow adaptive "self-help", because there is no higher authority that can solve security problems. On the growth of international migration, governments control their borders and protect themselves against what they regard as threats to their security, economic well-being, political stability, and cultural identity (Weiner 1995). Thus, realist politicians in labor-importing countries are aware of popular suspicion of immigration, and respond with rhetoric of national interests and control.

Structuralism views migration as emerging from the asymmetric and unequal pattern of economic relations between the core and periphery. This approach can also lead to a conclusion that migration leads to a brain drain from the sending country and worsens the unemployment and housing problems in the receiving country. From a world-systems viewpoint, the world is a single division of labor but multiple polities and cultures exist within the macro-unit, and it can be separated by core, semi-periphery and periphery (Wallerstein 1979:6). The modern world-system is a capitalist world-economy, which means that it is governed by the drive for the endless accumulation of capital, sometimes called the law of value (Wallerstein 1983:18). Each time there has

been a period of stagnation, the resulting pressures of individual capitalists to raise the rate of profit, and of the class struggle which has become more acute, has resulted in an expansion of the real geographic bounds of the world-economy, incorporating new labor forces who were at most only partially proletarianized (Wallerstein 1999:35). The interplay between market forces demanding freedom of movement and political forces demanding control can be seen as highly effective in creating a global labor market stratified not only according to 'human capital' (possession of education, training, and work skills), but also according to gender, race, ethnicity, origins, and legal status. The new global labor market is thus an expression of a global class hierarchy, in which people with high human capital from rich countries (core) have almost unlimited rights of mobility, while others (periphery) are differentiated, controlled, and included or excluded in a variety of ways (Bauman 1998). Therefore, understanding the ideological dimensions of the state on people mobilization is crucial in analyzing the phenomenon of international migration.

## **Determinants and Consequences of Migration**

### **1 Demographic Structure**

The most basic approach to discuss the actual effects of immigration within host states is at the demographic level: immigration will change the size and structure of the receiving-state's population (Keely 2000:43-60). Population aging and decreasing birthrates threaten many advanced industrial societies, especially in Europe and Japan. Countries may actively promote entry in an effort to increase their population (e.g., countries of the Western Hemisphere, Australia, and New Zealand in the nineteenth and early twentieth centuries) or to fill a temporary demand for labor. In the 1950s and 1960s, West European countries actively sought migrant labor from Turkey, Greece, North Africa, and Iberia (Weiner 1985:444). Recently, demographic trends, an aging population in developed countries and young, still-rising population in developing countries and growing employment opportunities, combined with cheaper communications and transport, have increased the demand for migration.

Migration policy can be a tool for states to exercise their national interests. A country's population is arguably its most important resource; to be an effective instrument of power, however, it must be mobilized. Purely on the level of basic demographics, migration can make a difference to a state's power. Many advanced industrialized countries have aging populations and need younger workers if their social security systems are to function and if they are going to compete on the world market (Adamson 2006:185). One prominent demographic outcome of the 20th century is the extent of population aging that has resulted from reduced fertility and increased survival. Accompanying this broad demographic process, however, are other changes including shifting

disease profiles, macroeconomic strains, emergent technologies, changing work patterns and social norms that are difficult for societies to anticipate and plan for. The intersection of such changes with an evolving demographic context may generate unforeseen issues that become the socioeconomic problems of current and future generations (National Academy of Sciences 2001). For example, the demand for migrant labor is likely to increase in the developed world, for various reasons including as a response to the social and economic consequences of ageing populations and to attract students and highly skilled migrants (International Organization for Migration 2010).

The inexorable momentum toward increasingly aged populations around the world may well become the most significant demographic process of the 21st century. The demographic imbalances between wealthy countries with ageing populations and poorer nations with large cohorts of working age persons are likely to remain key factors in generating future migration (Neilson 2009:349-363). Sustained shifts in population age structure and reduced fertility will require innovative national and international policy responses. Migrants are younger and more likely to produce larger families than host-state populations, thus, complementing the population and workforce.

## **2 Economic Need**

A second approach to evaluating the impact of immigration on host states focuses on economic impacts, measured in various ways. First, the macroeconomic impact of international migration within destination states: immigration expands the labor force and lowers prices, supporting economic growth. The Heckscher-Ohlin model of international trade suggests that with abundant unskilled labor in the global South (i.e., migrant-sending states) and skilled labor in the global North, immigration, like trade, should benefit skilled workers in host states and unskilled workers in countries of origin, and that low-skilled workers in host states should see their wages fall (Borjas 1999). These migration “pushes” are complemented by structural “pulls” within migration host states.

A second school of thought emphasizes the underlying global economic structures that motivate individual (or group) decision-making. From this perspective, global economic integration and the commercialization of agricultural production encourage migration by undermining traditional family structures and lowering demand for rural labor in traditional areas (Hatton & Williamson 1997). Global economic integration also lowers the cost of migration by creating new linkages between migrant-sending and migrant-receiving states (Sassen 1996). Thus, economic development increases migratory pressure, at least in the short term (Martin 2001:99-109). The global economy has a dual labor market. Jobs fall into either the primary or the secondary sector. Jobs in the primary sector are the “good jobs” characterized



by high wages, job security, substantial responsibility, and ladders where internal promotion is possible. Jobs in the secondary sector are characterized by low wages, high turnover, job insecurity, little chance of promotion, and casual attachments between workers and firms (Doeringer & Piore 1971). In particular, “dual labor markets” in industrialized states, mean that the least attractive jobs are often reserved for immigrants. These labor demands have intensified in the past two decades, and the aging of many industrialized states especially new immigration states such as Italy, Spain, and Japan suggests that they will continue to do so. Once certain types of low-wage manual jobs become associated with migrant labor, even relatively high unemployment rates do not induce native workers to return to these sectors, owing to a combination of social conditioning and path dependent labor recruitment methods. Thus, whole sectors of advanced industrial economies become structurally dependent on immigrant labor. (Cornelius 1998:115-155). From a Marxist perspective, owners of capital also benefit from maintaining a category of job characterized by a flexible labor supply, allowing layoffs to minimize losses to capital during economic downturns (Cornelius & Rosenblum 2005:100-101). On the other hand, high-skilled migration has also been increasingly considered as contributing to economic competitiveness in a knowledge-based economy, and as a potential instrument for addressing the negative impact of aging populations on economic growth and welfare provisions.

Immigration has economic (via labor market) and non-economic (via social adaptation) effects on natives. In the economic dimension, immigrants compete with unskilled workers and lower the market wage, but complement skilled labor and increase skilled wage. At equilibrium, parties propose differentiated policies and combine skilled and unskilled workers among their constituencies, with the more anti-immigration party holding a majority of unskilled workers (Llavador & Solano-Garcia 2011:140).

### **3 The Efficiency of the Nation**

In addition to demographic and economic concerns, there is the issue of security. In principle, high levels of immigration may pose security threats to the extent that migrants overwhelm the integration capacity of host states and breed intergroup conflict. Some experts portray international migration flows as overwhelming states' capacity to maintain sovereignty across a number of areas, thus jeopardizing the very basis of their security (Sassen 1998). Ever-larger flows of people across borders; increasingly multicultural populations; and the emergence of informal, migration-based, transnational networks that circulate capital, goods, and ideas—all challenge the notion of the territorial state as a bounded entity with a clearly demarcated territory and population (Sassen 1998:31). This in turn calls into question traditional models of national security, which assume a unitary national identity from which a set of national



interests can be derived. Yet, this does not necessarily mean, as some more sensational accounts claim, that large migration flows are causing states to lose control (Sassen 1998:14). In this article, state autonomy and capacity also refer to the ability of states to maintain control over their territories and national purposes.

It is states that have the primary responsibility both for regulating borders and for conferring citizenship rights and claims to membership in a political community (Lahav 2000). States have always faced challenges to their sovereignty, and the impact of migration flows across borders is analogous to other instances in history in which states have had to respond to pressures arising from increased transnationalism (Krasner 1999). All states are not equally able to manage the challenges posed by migration, however, and those with high levels of institutional capacity are in a much better position to adapt to this new environment than are weak or failing states. Two areas in which migration influences state capacity and autonomy are border control and national identity. As two distinct components of state sovereignty, autonomy and capacity are often viewed as going hand-in-hand. The ability of states to maintain control over their borders and to formulate a coherent national identity is arguably a necessary precondition for the maintenance of state security in other areas (Krasner 1999:176). Thus, the ability to control who has the right to cross the borders of a state is a key dimension of interdependence sovereignty. And the states with high levels of autonomy and capacity are in a much better position to control the borders than are weak or failing states.

Mass population movements are occurring at a time when modes of governance and definitions of citizenship are themselves shifting. Increasingly free movement of capital is being accompanied by increased spending on police, prisons and migration control (Weber & Bowling 2004:195). Policing has historically been tied to the nation state (whether centralized or decentralized), its powers arising from the state's possession of the monopoly of coercive force within a geographical territory. Despite the inevitable local focus of most policing activity, there is no doubt that contemporary police work frequently transcends national borders and involves police officers from overseas (Bittner 1970:195-197). On the other hand, the neoclassical political economy account sees the state as passively reacting to different interests. Its role is confined to that of finding a utility-maximizing compromise between organized interests. This overlooks the fact that the state – at the very least – plays an active role in defining new policy alternatives capable of securing compromise (Held & Krieger 1984:18). Other theorists have gone further, claiming that states display considerable autonomy in the formulation and implementation of preferences that are independent of societal interests (Nordlinger 1981). However, the state plays a very important role on immigration policy making, and maintains the ability to control their borders.

For example, Boswell (2007) brought up “A theory of functional imperatives”, and he had argued that we can best understand migration policy by adopting the perspective of the state, and considering how it defines its choices and constraints through the prism of its functional imperatives. This provisional sketch of the state’s functional imperatives can help explain the sources of power of liberal institutions in shaping migration policy, and it also depends on the levels of autonomy and capacity of the state. However, there is frequently a coincidence between functional imperatives and the liberal approaches propounded by societal actors, domestic institutions, or international regimes. Security and equity are the concerns which we cannot neglect in the making of immigration policy, the imperative of accumulation can make states especially sympathetic to the labor requirements of capital, encouraging them to adopt more liberal labor-migration policies. The imperative of ensuring institutional legitimacy makes states cautious about rolling back judicial powers, thus delimiting the scope for the restriction of refugee or immigrant rights. These possible scenarios for reconciling the conflicting claims of security, fairness, accumulation, and institutional legitimacy can be represented in some types of policy responses, such as Nonpoliticized, Elitist, Populist, Nontransparent and Uncontrolled.

#### 4 Civil Society

Braithwaite (2000) argues that the “globalizing logic of risk management” has sparked a proliferation of public and private regulatory agencies, a blurring of boundaries between the state and civil society, and reliance on means of social control which are increasingly automated and asocial.<sup>4</sup> “Civil Society” is taken here to refer to a political space where voluntary associations explicitly seek to shape the rules (in terms of specific policies, wider norms and deeper social structures) that govern one or the other aspect of social life. Some elements of civil society (often characterized as ‘social movements’) seek radical transformation of the prevailing order. However, civil society also includes reformist elements that seek only modest revisions of existing governance arrangements and conformist elements that seek to reinforce established rules. Indeed, many civil society initiatives show a mix of radical, reformist and conformist tendencies (Scholte 2002:282). Moreover, in contemporary politics, civic associations often operate in regional and global spheres as well as local and national arenas. Conceptions of ‘civil society’ need to be adapted to reflect these changed circumstances.

Equally, access by civil society organizations to formal policy forums is often limited by States. The Global Commission on International Migration concluded that, “...the policymaking process is more likely to be effective when it is based on widespread consultation with diverse components of civil society” (Scholte 2004:24). Even if the actual effects of immigration on

receiving countries are typically modest, many citizens of migrant-receiving states perceive negative consequences—economic and noneconomic—that lead them to prefer more restrictive immigration policies. A substantial body of political science literature examines public responses to immigration, which are characterized throughout the industrialized world by opposition to existing immigration levels and negative feelings about the most recent cohort of migrants.

Extensive case study research documents highlight aggressive lobbying by business and labor groups (Zolber 1990, Calavita 1992). Although labor unions have traditionally opposed new waves of immigrants, analysis of roll call votes in the U.S. Congress shows that members vote on immigration legislation according to district-level economic interests (Gimple & Edwards 1999). Noneconomic interest groups also care about immigration. Historically, these groups have included recently arrived immigrant/ethnic groups as well as nativist/patriotic organizations (Fuchs 1990). Contemporary anti-immigration groups frequently emphasize ecological capacity and national-identity concerns (Reimers 1999; Huntington 2004). Roll call and electoral analysis of U.S. and European policy-making finds support for the influence of these noneconomic interest groups as well (Money 1999). Nevertheless, governments might consider the potential benefits of establishing formal mechanisms for consultation with civil society.

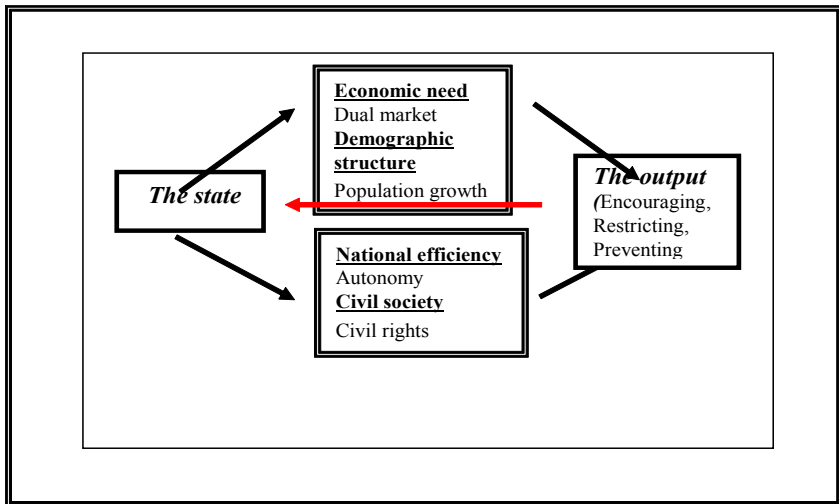
## **Immigration Policy Making**

On the making of migration policy, the State is conceptualized as a rational actor in its own right, capable of defining and pursuing its own goals. However, the State is frequently constrained in the pursuit of its objectives by societal interests, national ideologies, its own administrative capacity, or the international system. The levels of autonomy and capacity of the State are often viewed as going hand-in-hand. In the case of migration policy, it is interests that motivate actors, institutions, or the State to embrace particular goals. We must realize how important it is to understand the impact of interests from the perspective of the State. The State is also seen as a mere broker between rival interests, and the power of these various interests seemed to depend on their resonance with the State. The State's interests in functional imperatives must continue to be the focus of expectations concerning the delivery of national security, political stability, and economic prosperity.

We must allow conceptual space for the possibility of the State having preferences that are not reducible to some matrix of societal interests. This autonomy of preferences may be inferred from a number of considerations: here we will observe the crucial factors of migratory inflows from demographic structure, economic need, the autonomy of nation, civil society, and the ideologies of the nation. These determinants also promote or limit the

consequences of immigration policy making, and restrain the choices of the national immigration policy. At the same time, the state must make suitable immigration policies in accordance with the changes of the domestic and international environment (figure 1).

Figure 1: Domestic and international environment (Globalization, Regionalization)



### Research construction of immigration policy making

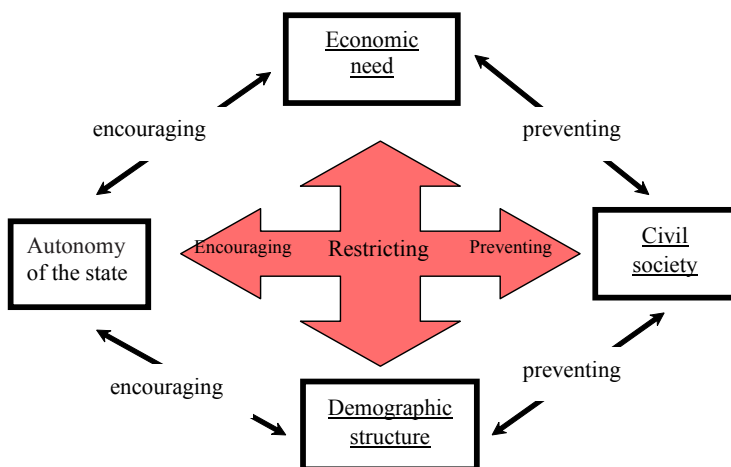
Further deduction on the making of migration policy concludes that the State considers principally demographic structure and economic need. Yet, the autonomy of the nation and civil society will influence the flow of immigration. Thus, the four variables which influence each other will be the force in shaping a State's migration policy in terms of encouragement, restriction, or prevention. Based on these characters, this article will propose four types of hypotheses to explain the making of immigration policy. These are:

1. Quadrant 1: The economic needs are higher, the autonomy of the nation is higher, there will be a tendency towards an encouraging immigration policy.
2. Quadrant 2: The economic needs are higher, the civil society is higher, there will be a tendency towards a preventing immigration policy.
3. Quadrant 3: The population needs are higher, the autonomy of the nation is higher, there will be a tendency towards an encouraging immigration policy.
4. Quadrant 4: The population needs are higher, the civil society

is higher, there will be a tendency towards a preventing immigration policy.

In considering economic and population needs, the State which has higher autonomy and weaker society will show a tendency towards an encouraging immigration policy. On the other hand, the State which has weaker autonomy and stronger society will show a tendency towards a preventing immigration policy. The median will be a tendency towards a restricting immigration policy.

Figure 2: The model of immigration policy making



Ideologies of the State have a great impact on immigration policy, which helps explain and predict the outcome in shaping its migration policy. Also, the fore-mentioned four variables' influence on each other will also shape different ideologies. The migration views of liberalism state that the flow of international migration was meant to secure optimal allocation of resources. This is to ensure that production factors can be obtained at the lowest possible cost and to promote increased productivity everywhere. Economists argue that the removal of restrictions on human mobility would lead to large increases in global income. Thus, this approach may lay stress on demographic structure and economic development.

Elitism lays stress on the advantages of high quality immigration. Generally, the state which adopts elitism will have higher autonomy. The realist viewpoints are aware of popular suspicion of immigration, and respond with a rhetoric of national interests and control. At the same time, admitting immigrants into the national community through citizenship appears as a threat to national cohesion and identity. Structuralism views migration as having emerged from the asymmetric and unequal pattern of economic relations

between the core and periphery. In sum, we can best understand migration policy by adopting the perspective of the State, and considering how it defines its choices and constraints through the prism of its functional imperatives. These possible scenarios for reconciling the conflicting claims of demographic structure, economic need, the autonomy of nation, and civil society can be represented in five configurations which are dynamic influence relations, as depicted in Table 2.

Table 1: Types of Policy Responses

	Type 1: Liberalism	Type 2: Elitism	Type 3: Realism	Type 4: Structuralism	Type 5: Elasticity
Economic need	○	○	○	○	○
Civil society	○	×	○	×	○
Demographic structure	○	○	×	×	unstable
Autonomy of nation	×	○	○	×	×

Type 1: Domestic opinion largely converges on requests of demographic structure, economic need and civil society. This type also applies to the labor migration policies of a number of more liberal immigration countries, where the strength of civil society is higher.

Type 2: The second type is characteristic of an elitist policy which does not correspond to public conceptions of fairness, but does meet the criteria of economic development, human capital and demographic structure. The autonomy of nation is higher, which implements its will completely in order to carry out immigration policy that the state formed.

Type 3: Type three puts emphasis on national security, national interest, and the rights of native workers. It also restricts immigration to maintain population homogeneity.

Type 4: The fourth policy type is typical of many countries. It doesn't pay great attention to requests of demographic structure and civil society, but emphasizes the asymmetric and unequal pattern of economic relations between the core and periphery. It implies superiority, exploits and unfair distribution of economy.

Type 5: It struggles to balance the requirements of economic development and civil society with pro-restrictionist public opinion. It will adopt a highly restrictionist rhetoric, whilst tolerating substantial levels of irregular migration and employment, and even encouraging these through periodic

regularizations. Here, the government adjusts immigration policies according to casual or seasonal needs.

## **Immigration Policy Making in Taiwan**

During the Dutch occupation of Taiwan in the 17th century, there occurred large-scale immigration. The Dutch ruled Taiwan for 38 years, from 1637 to 1652, and recruited labor from the southern part of China's Fukien Province. Approximately 20,000 Minnan people immigrated to Taiwan, and were employed in Taiwan's East India Company. It was during this period that foreign labor was brought in for the first time, and their descendants inhabited Taiwan permanently. Thus, the foreign labor introduced by the Dutch in Taiwan is different from the foreign labor introduced in the 1990s.

When the Dutch retreated, Taiwan's population was estimated to be approximately 100,000 people. At that time, the Qing government isolated the remnants of the Ming Dynasty, and immediately executed the policy of "marking off and moving the people" by issuing the "maritime restrictions command." In 1683, when Zheng Ke-Swang surrendered, Taiwan's population was approximately 200,000 people. In 1684, the Qing Dynasty announced the policy of "looking up dwellings away from home," and forbade immigrating to Taiwan. The policy of "closing off mountain areas, forbidding to cultivate" was promulgated on the island, and this suppressed immigrant expansion in Taiwan. But the frequent turmoil in South China, combined with social unrest, caused the Chinese economy to collapse. Socio-economic problems and overpopulation meant that immigration to Taiwan from China continued uninterrupted.

In 1875 (Year 1 of Guang Xu's reign), the Qing government changed direction and promoted the land settlement policy in Taiwan, while Europe and America coveted Taiwan's land. It promulgated "the 20 rules of cultivating land", hoping to strengthen Taiwan's defenses. At that time, the population increased to more than 2,000,000 and the western plains had been well developed. In 1893, before being ceded to Japan, Taiwan's population was estimated to be 2,500,000 people. During the Japanese occupation, no immigrants arrived from the Mainland (Zhang Deshui 2002). In 1926, Japan reported that there were 3,751,600 Han Chinese in Taiwan, with 3,116,400 having their ancestral home in Fujian Province. This accounted for 83.1% of the gross population.

In 1945 when the Sino-Japanese war ended, Taiwan's population was approximately 6,300,000, including about 400,000 Japanese and 50,000 foreigners. From 1949 to 1952, tribal groupings from other provinces in Mainland China immigrated to Taiwan, including about 1,200,000 soldiers and civilians, accounting for 15% of the total population (Zhang Deshui 2002). Therefore, it Taiwan may also be called a "migrant society". In recent



years, together with greater internationalization, changing social structure and the influence of economic reforms, there has been much more immigration to Taiwan from Southeast Asia and Mainland China. This has led to the government re-examining its immigration policy.

Taiwan's original immigration policy is linked to "the ROC population policy outline" issued by Executive Yuan in 1969. Its major emphasis lies in "the coordination of industrial activity" and "population growth", and the Ministry of Interior has scheduled each immigration law and regulation according to this document ever since. While this policy had nothing to do with the issue of new immigration spouses in Taiwan, the decline in the fertility rate and the increase in its aging population have had a great impact on the social structure. As a result, there are many more new immigration spouses and foreign workers coming into the island. This has seen an increase in problems related to adapting to the new environment, education and so on.

In June 14, 2006, Executive Yuan revised the ROC population policy outline in accordance with the need to address questions regarding the aging population, reduced fertility, , the economy, social development needs, and making an immigration policy", including planned efficiency and professional immigration. At the same time, the government helped to integrate the migrants into local community by offering, and carry out counseling and information of to the newly arrived (NIA 2009). However, faced with the complexity of immigration problems, the government established the National Immigration Agency (NIA) in January 2, 2007, aimed at creating a unified authority and effective control.

## **Determinants of Taiwan's Immigration Policy**

Commencing with the Dutch occupation to the Nationalist government's retreat to Taiwan in 1949, immigration policy was influenced mainly by politics, the local economy and social expectations. But recently, the phenomenon of marriage immigrants and foreign labor has impacted the social structure. Among these, marriage migrants whose goal is to settle in Taiwan has involved immigration of spouses from the Mainland and Southeast Asia. This increase in migrants and the establishment of related association, has gradually forced the government to place greater emphasis on immigration policy.

As for the needs of economic development, Taiwan's immigration policy has shifted from a restrictive policy of "hastening strictly by the entry" to placing greater emphasis on the inflow of professionals. Therefore, the current immigration policy is mainly in accordance to the change of the social structure and the needs of economic development. This article will focus on the functional imperatives of the state in relation to migration, and analyze the crucial factors of migratory inflows from demographic structure, economic need, the efficiency of the nation, and civil society.

1 Demographic Structure

In 2010, newborn babies in Taiwan numbered 166,866, and the fertility rate was among the lowest in the world, at only 0.91%. Since 1993, Taiwan has become an “aging society”, with the proportion of the population aged over 65 years rising continually and reaching 10.7% by the end of 2010. Taiwan’s aging index is 68.65%, which is the second highest in Asia. Also, the ratio of old age population dependency (by working population) had risen from 12.27% in 2000 to 14.59% in 2010, and has been steadily increasing (Ministry of the Interior 2011). This means that the working population (population by 15-64 age group) is burdened with heavy responsibilities, and has influenced the development of the national economy and security.

Due to low fertility rates and an aging population, there have been numerous cross-nation marriages since 1990. In 2010, the number of foreign spouses (including Mainland, Hong Kong and Macao) reached 444,216 (Table 2).. The proportion of cross-nation marriages to the total marriages had risen from 27.1% in 2001 to a peak of 31.9%in 2003 then fell to 15.49% in 2010. It has been steadily decreasing since the Ministry of the Interior implemented a face-to-face talk mechanism in 2004, and the Ministry of Foreign Affairs strengthened interviews on the new immigration spouses in 2005. The improvement in their home countries’ economies was also one of the reasons. However, the percentage of cross-nation marriages has still been above 14% in recent years.

Table 2: 2001-2010 Taiwanese Married to Foreigners

Year	Married to Foreigners	Marriage rate% (Married to Foreigners)	Married to Foreigners(total)
2001	46,202	27.10	—
2002	49,013	28.39	—
2003	54,634	31.86	301,414
2004	31,310	23.82	336,483
2005	28,427	20.14	364,596
2006	23,930	16.77	383,204
2007	24,700	18.29	399,038
2008	21,729	14.03	413,421
2009	21,914	18.71	429,495
2010	21,510	15.49	444,216

Source: Ministry of the Interior (2011).

In recent years, Taiwan’s maintenance of population growth has been due to the increase of new immigrants, and the fertility rate of foreign spouses which has generally been higher than local women. Since 2001, the proportion of newborn babies born by foreign spouses has increased progressively and in 2003 reached 13%, then fell to 8.7% in 2010, mainly due to the reduction in the number of cross-nation marriages in recent years. Therefore, international immigration has not only affected the growth of Taiwan’s population, but also

been the primary factor in reducing the aging of its population. As immigration declined, the fertility rate became lower and the aging index increased.

Table 3: 2001-2010 Numbers and Rate of Birth

Year	Number and Rate of Birth		Nationality of Mother			Foreigner Rate (%) by Nationality of Mother
	Number of Births	Crude Birth Rate (‰)	R. O. C. Registered	Mainland China, H.K., Macao and Foreigner		
				Mainland, H.K., Macao	Southeast Asia	
2001	260,354	11.65	232,608	27,746		10.66
2002	247,530	11.02	216,697	30,833		12.46
2003	227,070	10.06	196,722	30,348		13.37
2004	216,419	9.56	187,753	11,206	17,460	13.25
2005	205,854	9.06	179,345	11,206	17,460	12.88
2006	204,459	8.96	180,556	10,022	16,487	11.69
2007	204,414	8.92	183,509	10,423	13,480	10.23
2008	198,733	8.64	179,647	10,117	10,788	9.60
2009	191,310	8.29	174,698	9,834	9,252	8.68
2010	166,866	7.21	152,363	8,185	6,338	8.70

Source: Department of Household Registration Affairs, MOI (2011).

## 2 Economic Need

The direction of demographic indicators makes it likely that Taiwan's young adults will be burdened with heavy responsibilities. Manpower will be insufficient and the development of the economy will be negatively impacted due to a rapidly aging population structure impacting Taiwan's employment, education, health insurance and pension system. Declining population growth and long-enduring industrial reform have made the technology-intensive and labor-intensive industries both have encounter problem of manpower. However, Taiwan is in a similar situation to other advanced economies, which need foreign labor according to boom-and-bust fluctuations, but the demand in Taiwan for foreign labor has become entangled with "constitutive embeddedness".

In other words, advanced capitalist economies need compliant and lower paid foreign workers if they require long-term economic growth. Simultaneous and overlapping developments of economics, society, politics and world order have come together to create the phenomenon whereby industry and commerce are both being strengthened, and traditional farming is declining. This affects the overall changes in social structure where technology-intensive and labor-intensive industries face insufficient manpower, thus placing too much dependence on imported labor. Because Taiwan's new migrants are generally young and industrious, they have become the main labor force, and in the future may substitute for a working population that flows out gradually due to urbanization and industrialization. On the other hand, this also increases the low-level working population that is required by the labor market, and lessens the pressure of low-level labor shortages.

The United Nations advocates “substitute immigration” that solves both the burdens of the young population and the shortage of labor. Lately, the guiding principle of Taiwan’s population policy has been transformed from “birth control” into “maintaining reasonable population growth”, and its objective not only improves the social structure, but also increases the working population, and maintains economic growth. International migration is advantageous to developing the global and regional economies, and helps to maintain national competitiveness, but is also an essential factor of economic growth. Therefore, in recent years, the government has weighed the changes in the international economic situation and revised its immigration policy. Thus, Taiwan’s underlying immigration policy for the future is to weigh the needs of the national population, economy, and social development to establish a proper immigration policy in order to attract investments and professional immigration.

### **3 National Efficiency**

In Taiwan, the development model of “the state leading the market” created the economic wonders of the 1970s and 1980s. This economic development model is regarded one that places emphasis on a national role regarding economic development, industrial reforms, and social stability. The autonomy of the state and the capacity are regarded as important forces for the impetus of national development. However, political democratization and economic globalization have accelerated the process of modernization. In order to obtain political validity and maintain social stability, the state has been guided by dual considerations in making immigration policy. The two considerations are expectation of sustained capital accumulation and obtaining the legitimate foundation which the people agreed. The effective execution of the policy is no longer centered on the national leadership as it needs the cooperation of society, non-profit organizations, etc. In order to achieve continual economic development and political reform, the government has since 1980 adjusted its role in accordance to the vicissitudes of a changing domestic and international environment. Civil society has great influence on immigration policy, which must consider policy goals and make compromises with public opinion and benefits.

Since 1999, migrant organizations have striven for rights and interests, and forged an alliance with and prevailed on the state to adopt positive attitudes towards immigration policy. The state started to place emphasis on the rights and interests of foreign spouses gradually with the scheduling of the Immigration Act and the Enforcement Rules of the Immigration Act in 1999, and commenced attendance-counseling mechanisms since 2002. The Executive Yuan revised and proclaimed “the ROC population policy outline” in June 14, 2006. However, faced with the complexities of the immigration problems, the

government established the National Immigration Agency (NIA) in January 2, 2007, aimed at unified authority and effective control. Basically, it also responded to the demands of civil society. An alliance of migrant organization initiated the Immigration Amendment Act, and the provision of human rights has been integrated in the immigration law. It is obvious that the autonomy of the state has been getting weak, and the execution of effective immigration policy gradually requires cooperating with government departments, legislative departments and civil society.

#### **4 Civil Society**

The emergence of civil society depends on the democratic conditions, mature culture, and the system. The development of Taiwan's civil society can be traced back to the lifting of martial law in 1987, which ushered in an era of greater liberalization and the right to form opposition parties and the awakening of civil rights. Many kinds of organizations have emerged in Taiwan's civil society, which influence government policy, relational development of the people, and challenges to the state. At the same time, the immigration alliance that strove for the rights and interests of marital immigration was also established officially in November 2003.

Since 1990, Taiwan's new immigrants have increased rapidly, but there are no official statistical data or immigration policy before 1994. The related laws and regulations had not taken into consideration the welfare of new immigrants, resulting in the rights and interests of new immigrants being restricted. However, non-government organizations (NGO) have made efforts to advocate human rights and welfare of the new immigrants. Later, "the new matter social service center" and the Pearl S. Buck Foundation provided support services to the new foreign spouses, and the TransAsia Sisters Association, Taiwan was set up in 1993. Many other organizations have also been recently established to champion the well-being of new immigrants, including the Women Awakening Association", "Taiwan Association for Human Rights, Rerum Novarum Center, Foreign Spouses Concern Association, "the Foundation of Feminine Worker's Rights Promotion. These organizations have formed a coalition, the Alliance of Human Rights Legislation for Immigrants and Migrants (AHLIM), which advocates immigration issues and positive social education. In addition to recognition of new migrant spouses, they have influenced policy formulation. These associations have urged the government to adopt positive attitudes towards migrant rights, and gradually highlighted the importance of migrant rights and interests.

However, under the ideologies of "national identification" and "politics", the people of Taiwan have different opinions or interpretations on the new migrants. At present, the Immigration Act is mainly suitable for the new migrant spouses of Southeast Asian nationalities, and the Mainland

spouses act of “Governing Relations Between The People Of The Taiwan Area And The Mainland Area”, results in differences of human rights. For example, the differences of residence rights and ID card applications: the lasting of new migrant female marriage is dependent on obtaining residence rights and ID card application. Foreign spouses with registered permanent residence in Taiwan who have legally resided in the state for 10 years, during which period they have actually resided in the state for more than 183 days each year for five years, may apply for permanent residence. However, Mainland spouses must have actually resided in the state for more than 183 days each year for six years. This not only delays new migrant females from enjoying legitimate civil rights, but also implies that they will have to bear patiently if they suffer marital violence, in order to avoid forced repatriation, or deprivation of residence. Education is another question: The education provided for the new immigrants consist primarily of literacy classes and life counseling curricula. The human rights idea has not been integrated and some social relief welfare often does not benefit the immigrants.

Therefore, AHRLIM was established to strive for the rights and interests of marital immigration as its main goal. It advocated to amending the immigration law and started a movement, which pushed the Legislative Yuan to pass amendments to the Immigration Act of 2007. The provisions which AHRLIM advocated were integrated into the Act, including family violence provisions, counter-discrimination provisions, the ban on commercial marriage intermediaries, on the right to attend assemblies and rallies,. It is regarded as a successful model of a new immigration movement in Taiwan, and established the important basis and broader development space for later immigration movements (Liu, 2009).

It is obvious that the strength of Taiwan’s civil society has grown with democratization and mass organizations produced due to social change, which has launched independent social movements one after another in order to strive for the rights of politics and society. The influence of civil society on policy making has advanced gradually. Especially important in all of this has been Taiwan’s unique position, political factors and national identity that have enabled its civil society to take on this multi-dimensional challenge.

### **Taiwan’s Immigration Policy Making Model and its Effects**

Under the conditions of globalization, regionalization and domestic economics, Taiwan faced the phenomenon of a low fertility rate and aging population. In order to pursue the goal of stabilizing the social structure and solving the problem of labor shortages, the government has transformed the immigration policy from “entering strictly” into a restricted immigration policy. Most Taiwanese tend to think that the economic effects of immigration are positive. Although they believe the issues of demographic structure and economic

development are important, under the ideologies of “national identification” and “politics”, Taiwanese society still displays discrimination toward new migrants. Therefore, Taiwan’s immigration policy has combined liberalism with realism, but at present, increasing citizen consciousness in relation to democratic ideals have gradually made Taiwan’s immigration policy model to shift towards liberalism. It pays great attention to economic development, human capital, demographic structure, and the demands of civil society especially.

We believe that the national immigration policy takes into account a number of considerations: here we note the crucial factors of migratory inflows from demographic structure, economic needs, the autonomy of the nation, civil society and the ideology of the nation. These determinants also promote or limit the choices in immigration policy making. However, the development of Taiwan’s civil society has been transformed since martial law was lifted. The autonomy of the state today is different from the former authoritarian period, and is weaker. Although the immigration policy is suitable for the needs of economic development and population structure, it represents an interactive process of state agencies and civil society when considering national security and ideologies. It tends to adopt restrictive immigration measures according to the model of immigration policy making. In future, if the phenomenon of decreasing birthrates and population aging continues to worsen, the state will adopt an expansionary immigration policy in order to develop the national economy.

Although the county’s immigration policy has restricted the growth of marital immigrants slightly, the demands of the social structure have ensured a stable flow of migrants. Furthermore, new immigrants have a remarkable influence on Taiwanese society in all respects. From an economic viewpoint, the new immigrants supply the high technology and service industries with technical workers, as well as supply the agricultural, manufacturing and construction sector with sufficient manpower. From a social viewpoint, foreign spouses not only give birth to babies, but also look after their husbands and serve their parents-in-law, thus playing traditional roles and ensuring to the stability of the social structure. From a demographic viewpoint, the fertility rate of foreign spouses is about 10% every year, which is a new source of population growth. Additionally the average age of new immigrants is lower than the Taiwanese average, which means that migrants are contributing to slowing down population aging.

## **Conclusion**

The development of the global economy has become the main driving force of international migration. At present, many advanced industrial countries are facing shifts in population age structure and reduced fertility, which



has resulted in workforce shortages. These problems are solved partly by introducing new immigration measures. Therefore, international immigration is a phenomenon that a reality which is, and is not restricted to economic, social, and political issues, but also to national security. Under the limiting conditions of the structure of the international system, all countries and governments must consider the mutual influence of politics, economics and society at the national, regional and global levels. At the same time, they must deal with the complicated situations arising from international immigration and forge national immigration policies positively in response to national security and economic interests. The integrated strength of the economy, society and culture under the globalization process and the tendency of regional economic cooperation are challenges to nation-state sovereignties, and how to make proper immigration policies are very important.

From the perspective of the state, this article argues that the state has to be mindful of its national interest when it formulates immigration policies, and it is influenced by economic needs, population structure, civil society, national autonomy and ideology. In accordance to globalization and regionalization, the state makes its policy choice by way of its functional imperatives, and thus shapes the pattern of national immigration policy. The main considerations which the state takes into account in making immigration policies are the demands of economic development and population structure, but national autonomy and civil society will affect the total number of immigrants. Therefore, the four variables may influence mutually, and they will compel the state to adopt a dynamic immigration policy that corresponds to one of the following tendencies: encouragement, restriction, or prevention. Generally, under economic and population needs, the state that has a higher autonomy and weaker society will show a tendency towards an encouraging immigration policy. On the other hand, the state that has a weaker autonomy and stronger society will show a tendency towards a preventing immigration policy. The median will be a tendency towards a restricting immigration policy. At the same time, to reconcile the conflicting claims of the demographic structure, economic needs, the autonomy of the nation, and civil society, the immigration policy of the state can be represented in five configurations liberalism, elitism, realism and elasticity which are all dynamic influences.

The constructed meaning of immigration policy model elaborates that immigration policy is possibly adjusted to the circumstantial change of politics and economics, and it may forecast the possible tendency of the individual country. In application, it may not only be compared with other newly industrializing countries (NICs) in East Asia, but also broadly compared with other emerging industrial countries. Plainly speaking, cross-nation migration is by no means a “zero-sum” game, in the most ideal situation; the receiving countries, sending countries and migrants themselves can gain profits. At present, in Taiwan migrant issues have given rise to a great deal

of concern from the state, civil society, and political parties. The formulation of appropriate immigration policies attempts to conform to international standards, solve the problems produced by aging population, meet the needs of the society and the economy, avoid impinging on the rights and interests of local workers, etc. At the global and regional levels, there is growing recognition that the new management of international immigration cannot be tasked to respective countries unilaterally, but requires the cooperation of countries in order to create a situation where migrants, sending countries and receiving countries will benefit together.

## End Notes

1. Ministry of the Interior, Taiwan. 2011, *Couples Married with Foreigners*, website: <http://sowf.moi.gov.tw/stat/week/list.htm>.
2. Bureau of Employment and Vocational Training (BEVT), Council of Labor Affairs, Taiwan. 2011, *Foreign Workers in Productive Industries and Social Welfare by Nationality*. [http://www.evta.gov.tw/content/list.asp?mfunc\\_id=14&func\\_id=57](http://www.evta.gov.tw/content/list.asp?mfunc_id=14&func_id=57).
3. Department of Household Registration Affairs, Taiwan. 2011. *Numbers and Rates of Birth*, website : <http://sowf.moi.gov.tw/stat/week/list.htm>.
4. See almost any contribution to the Special Edition of the *British Journal of Criminology* (Vol. 40, No. 2. Spring 2000) for a development of these themes.

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